



3-26-03

**THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Butt *et al.*  
U.S.S.N: 09/856,336  
FILED: August 20, 2001  
FOR: NUCLEIC ACID ISOLATION

Art Unit: 1636  
Examiner: Sandals, W.

BOX AF  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

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**CERTIFICATE OF MAILING**

I hereby certify this correspondence and the documents referred to as attached herein are being deposited with the United States Postal Service as First Class Mail addressed to BOX AF, Assistant Commissioner for Patents, Washington, D.C. 20231 on March 14, 2003.

By:   
Nicole M. McKinnon

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES  
(37 C.F.R. SECTION 1.191)**

NOTE: *An appeal may be based on one rejection in a prior application and one rejection in a continuing application.* 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 93 (Oct. 10, 1997).

NOTE: *There is no requirement for a notice of appeal to: (1) be signed; or (2) identify the appealed claims.* 62 Fed. Reg. 53,131, at 53,167; 1203 O.G. 63, at 94 (Oct. 10, 1997).

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed **November 19, 2002**, finally rejecting claims **1-12, 15-29, 32, 33, 36, and 38.**

The item(s) checked below are appropriate:

**1. STATUS OF APPLICANT**

This application is on behalf of

other than a small entity.  
 a small entity.

A statement:

is attached.  
 was already filed on \_\_\_\_\_.

## 2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. Section 1.17(b), the fee for filing the Appeal Brief is:

small entity \$160.00

other than a small entity \$320.00

**Notice of Appeal fee due \$320.00**

## 3. EXTENSION OF TERM

*NOTE: The time periods set forth in 37 C.F.R. 1.191 are subject to the provision of Section 1.136 for patent applications. 37 C.F.R. 1.191(d). (But see 37 C.F.R. 1.645 for extension of time in interference proceedings and 37 C.F.R. 1.550(c) for extension of time in reexamination proceedings).*

The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(a)  Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below (see attached Petition and Fee for Extension of Time):

Extension (months)	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 410.00	\$205.00
<input type="checkbox"/> three months	\$ 930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00

**Fee \$ \$110.00**

If an additional extension of time is required, please consider this a petition therefor.

(a)  An extension for \_\_\_\_\_ has already been secured in the Amendment \_\_\_\_\_ and the fee in the amount of \$\_\_\_\_\_ was paid at that time.

or

(b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 4. TOTAL FEE DUE

The total fee due is:

**Notice of Appeal fee \$ 320.00  
Extension fee (per month) \$ 110.00**

**TOTAL FEE DUE \$ 430.00**

**5. FEE PAYMENT**

**[X] Attached is check #710608 in the sum of \$ 430.00.**

**[ ] Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.**

A duplicate of this transmittal is attached.

**6. FEE DEFICIENCY**

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.*

**[X] If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 04-1105.**

AND/OR

**[X] If any additional fee for claims is required, charge Account No. 04-1105.**

March 14, 2003

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Reg. No. 34,901

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